

from municipal control, shall have all powers of independent school districts and/or towns and villages incorporated for free school purposes only, conferred by Title 49, Revised Civil Statutes of Texas of 1925, and amendments thereto; providing that the trustees of any independent school district, separated from municipal control, shall have power to levy and collect an annual school maintenance tax of not exceeding one dollar (\$1) on the one hundred dollars (\$100) valuation, and an additional annual ad valorem tax sufficient to pay bond debts of such district; providing that nothing herein shall be construed as abrogating or repealing any existing maintenance tax and/or bond tax; providing that no increase in maximum rate of school maintenance tax and/or bond debt of any such district shall be authorized until after an election shall have been held wherein a majority of the tax-paying voters, voting at said election, shall have voted in favor of said tax or the issuance of said bonds; providing that the bonds of any such district shall not exceed in amount seven (7) per centum of the assessed value of taxable property of such district; providing for the election of trustees in such school districts; providing for appointment and compensation of assessor and collector of taxes, and providing that city assessor and collector may be appointed to such office; providing that title to all school property shall immediately vest in the board of education or trustees of the school district; providing that all bonds and obligations of any such city or town, as a municipal school district, shall become obligations and debts of the independent school district at the time of separation from municipal control, and it shall not be necessary to call an election for the assumption of such debts; providing that if any section or part of this Act is held unconstitutional, such decision shall not affect the validity of the remainder of this Act; providing this Act shall not repeal any existing law, and especially shall not repeal Chapter 302, General Law, of the Forty-first Legislature in 1929; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

FIFTY-THIRD DAY

(Friday, April 19, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Hartzog
Adamson	Head
Adkins	Herzik
Aikin	Hill
Alexander	Hodges
Alsup	Hofheinz
Ash	Holland
Atchison	Hoskins
Beck	Howard
Bergman	Huddleston
Bourne	Hunt
Bradbury	Hunter
Bradford	Jackson
Broyles	James
Burton	Jones of Atascosa
Butler of Brazos	Jones of Falls
Butler of Karnes	Jones of Runnels
Cagle	Jones of Shelby
Caldwell	Jones of Wise
Calvert	Keefe
Celaya	King
Clayton	Knetsch
Collins	Lange
Colquitt	Lanning
Colson	Latham
Cooper	Leath
Craddock	Lemens
Crossley	Leonard
Daniel	Lindsey
Davis	Lotief
Davison of Fisher	Lucas
Davisson	Luker
of Eastland	Mauritz
Dickison	McCalla
Dunagan	McConnell
Dunlap of Hays	McFarland
Duvall	McKee
Dwyer	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Fitzwater	Newton
Ford	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Good	Petsch
Graves	Pope
Gray	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roane

Roark	Tennyson
Roberts	Thornton
Rogers	Tillery
Russell	Venable
Rutta	Waggoner
Scarborough	Walker
Settle	Wells
Shofner	Westfall
Smith	Wood of Harrison
Spears	Wood of Montague
Steward	Worley
Stinson	Young
Stovall	Youngblood
Tarwater	

Absent

Cowley	Morse
Dunlap of Kleberg	Riddle

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, we feel our limitations this morning, and we recognize our responsibilities. A sense of need brings us to Thee just now. Thy power is not hindered and Thy mercy is not strained. Guide us in all our ways. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Stanfield for today and tomorrow, on motion of Mr. Cagle.

Mr. Canon for today and tomorrow, on motion of Mr. Aikin.

Mr. Jefferson for today and tomorrow, on motion of Mr. Dunlap of Hays.

Mr. Hyder for today, on motion of Mr. Worley.

HOUSE BILLS ON FIRST READING

Mr. Lucas moved to introduce, at this time, and have placed on first reading, House Bill No. 974.

The motion prevailed by the following vote:

Yeas—92

Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alsup	Broyles
Bergman	Burton

Butler of Brazos	Keefe
Butler of Karnes	Lemens
Calvert	Lotief
Celaya	Mauritz
Clayton	McConnell
Cooper	McFarland
Craddock	McKinney
Crossley	Moffett
Daniel	Moore
Davison of Fisher	Morris
Dickison	Olsen
Dunlap of Hays	Padgett
Dwyer	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Fitzwater	Pope
Fox	Quinn
Frazer	Reed of Bowie
Fuchs	Roach of Angelina
Gibson	Roane
Glass	Roark
Graves	Roberts
Gray	Rutta
Greathouse	Settle
Hankamer	Shofner
Hanna	Smith
Hardin	Stinson
Harris of Archer	Stovall
Head	Tarwater
Herzik	Tennyson
Hill	Thornton
Hodges	Venable
Hofheinz	Waggoner
Holland	Walker
Hoskins	Wells
Howard	Westfall
Jackson	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Runnels	Worley
Jones of Wise	Youngblood

Nays—9

Collins	Knetsch
Harris of Dallas	Lindsey
Hunt	McCalla
James	Tillery
Jones of Atascosa	

Absent

Alexander	Ford
Ash	Good
Atchison	Hartzog
Beck	Huddleston
Cagle	Hunter
Caldwell	Jones of Shelby
Colquitt	King
Colson	Lange
Cowley	Lanning
Davis	Latham
Davisson	Leath
of Eastland	Leonard
Dunagan	Lucas
Dunlap of Kleberg	Luker
Duvall	McKee
England	Morrison

Morse
Newton
Nicholson
Reader
Reed of Dallas
Riddle
Roach of Hunt

Rogers
Russell
Scarborough
Spears
Steward
Young

Absent—Excused

Canon
Hyder

Jefferson
Stanfield

The Speaker laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Lucas and Mr. Keefe:

H. B. No. 974, A bill to be entitled "An Act providing for relief for the Independence Common School District of Henderson and Kaufman Counties, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the fourth day of March, A. D. 1935; providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

Referred to Committee on Appropriations.

Mr. Beck moved to introduce, at this time, and have placed on first reading, House Bills Nos. 975 and 976.

The motion prevailed by the following vote:

Yeas—109

Adamson
Adkins
Aikin
Alexander
Alsup
Ash
Beck
Bourne
Bradbury
Bradford
Broyles
Burton
Butler of Karnes
Cagle
Caldwell
Calvert
Clayton
Collins
Colquitt
Cooper
Craddock
Daniel
Davison of Fisher
Davisson
of Eastland

Dickison
Dunagan
Dunlap of Hays
Fain
Farmer
Fisher
Fitzwater
Fox
Frazer
Fuchs
Gibson
Graves
Greathouse
Hankamer
Hanna
Hardin
Harris of Archer
Herzik
Hodges
Hofheinz
Holland
Hoskins
Howard
Huddleston
Hunt

Jackson
James
Jones of Falls
Jones of Runnels
Jones of Shelby
Jones of Wise
Keefe
Knetsch
Lange
Lanning
Latham
Leath
Lemens
Lindsey
Mauritz
McCalla
McConnell
McFarland
McKee
McKinney
Moffett
Moore
Morris
Morrison
Newton
Olsen
Patterson
Payne
Petsch
Pope
Quinn

Reader
Reed of Bowie
Reed of Dallas
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Russell
Rutta
Scarborough
Shofner
Smith
Spears
Steward
Stinson
Stovall
Tarwater
Tennyson
Thornton
Tillery
Venable
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Worley
Young
Youngblood

Absent

Atchison
Bergman
Butler of Brazos
Celaya
Colson
Cowley
Crossley
Davis
Dunlap of Kleberg
Duvall
Dwyer
England
Ford
Glass
Good
Gray
Harris of Dallas
Hartzog

Head
Hill
Hunter
Jones of Atascosa
King
Leonard
Lotief
Lucas
Luker
Morse
Nicholson
Padgett
Palmer
Riddle
Rogers
Settle
Wood of Montague

Absent—Excused

Canon
Hyder

Jefferson
Stanfield

The Speaker laid the bills before the House; they were read first time, and referred to the appropriate committees, as follows:

By Mr. Bourne, Mr. Beck, and Mr. Reed of Bowie:

H. B. No. 975, A bill to be entitled "An Act amending Section or Subdivision 102 of Article 199 of the Revised Civil Statutes of Texas of

1925, as amended by the Forty-third Legislature, Regular Session, Chapter 253, page 885, and changing the times of holding the terms of court of the District Court of the One Hundred and Second Judicial District of Texas; etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Beck, Mr. Crossley, and Mr. Reed of Bowie:

H. B. No. 976, A bill to be entitled "An Act amending Section or Subdivision 5 of Article 199 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 254, page 887, and changing the times of holding the terms of court of the District Court of the Fifth Judicial District of Texas; etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

RELATIVE TO RESOLUTION PERIOD

On motion of Mr. Greathouse, the House dispensed with consideration of resolutions at this time.

RESOLUTION ORDERED PRINTED

On motion of Mr. Moffett, Senate Joint Resolution No. 9, reported adversely with a minority favorable report, was ordered printed.

Mr. Wells moved to reconsider the vote by which Senate Joint Resolution No. 9 was ordered printed, and asked to have the motion to reconsider spread on the Journal.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 257

Mr. Padgett submitted the following conference committee report on House Bill No. 257:

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Walter Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Senate on House Bill No. 257, beg leave

to report that we have considered the same, and recommend that it do pass in the form as attached hereto.

"H. B. No. 257,

A BILL

To Be Entitled

An Act declaring the policy of the Legislature to provide for the general welfare with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for the submission of code or codes to the Milk Control Board by groups engaged in the milk industry in counties having a population in excess of seventy-seven thousand and seven hundred (77,700) and less than eighty thousand and seven hundred (80,700), according to the Federal Census last preceding the time when said submission is made from said counties for the setting up of a code, codes or agreements; authorizing local milk industry boards in said counties, after hearing, to set up and promulgate a code, codes or agreements for fair competition for the milk industry; authorizing said Board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by said Board of codes; authorizing the said Board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for the certificates of authority and making provisions for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional, such decision shall not affect other provisions or portions of this Act, provided that the provisions of this Act shall not alter, repeal, change, modify or in any way change the provisions of the Anti-Trust Laws of the State of Texas as defined in

Articles 1632 to 1635, inclusive, nor of the Texas Penal Code, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby declared to be the policy of the Legislature of Texas to provide for the general welfare in an emergency hereby declared to exist with reference to producers and distributors of milk and milk products to the end that disorganization of the dairy industry may be corrected and the value of this specialized agricultural commodity stabilized, such emergency being particularly acute in the larger centers of the State; to set up a code of fair practice as hereafter provided; and to eliminate unfair competition and practices in the production and distribution of milk and milk products.

Sec. 2. (a) The term "person," when used under this Act, shall mean any individual, firm, copartnership, or corporation.

(b) The term "producer" shall mean any person regularly engaged in the production of fluid milk for sale.

(c) "Distributor" means any of the following persons engaged in the business of handling fluid milk:

(1) Pasteurizers, bottlers or other processors of fluid milk.

(2) Persons distributing fluid milk at wholesale or retail to hotels, restaurants, stores, or other establishments for consumption on the premises; to stores or other establishments for resale; or to consumers, irrespective of whether any such person is also a producer of milk.

(d) The term "processor" shall mean any person who receives or buys milk or milk fats for the purpose of changing its nature or character by physical or chemical means into other forms, such as butter, cheese, ice cream, condensed milk, buttermilk, chocolate milk drinks, or other flavored milk, or converted into any other form.

(e) The term "fluid milk," when used under the provisions of this Act, shall mean the fresh clean lacteal secretion obtained by the milking of one (1) or more healthy cows which secretion has not been soured nor been skimmed or separated; that it has not less than eight and one-half per cent (8½%) of solids not fat, and not less than three and one-fourth per cent

(3¼%) milk fat, nor been churned, nor evaporated, or condensed, nor been reduced to powdered form, nor otherwise processed so as to materially change its original condition.

(f) The term "milk industry," when used in this Act, shall mean producers, distributors and processors of milk and milk products as defined in this Act.

(g) The term "milk products," when used under this Act, shall mean all products of fluid milk, such as sour and sweet cream, skimmed milk, butter, cheese, ice cream, condensed milk, evaporated milk, powdered milk, powdered skim milk, fluid milk, buttermilk, chocolate milk or other flavored milks.

(h) The term "Commissioner," when used in this Act, shall mean the Commissioner of Agriculture of the State of Texas.

(i) The term "Board," when used in this Act, shall mean the local Milk Industry Board of the county or counties concerned.

(j) The term "members," when used in this Act, shall mean the members of the Milk Industry Board.

(k) The term "milk shed" shall include all producers and producer operators who now hold permits from the Health Department to sell milk in any area or areas affected by this Act, said area or areas to be in counties having a population in excess of seventy-seven thousand and seven hundred (77,700) and less than eighty thousand and seven hundred (80,700).

(l) The term "production area" means that area defined by the Milk Industry Board.

(m) The term "due notice" shall mean the mailing of a notice to all of the parties affected, or in lieu thereof, of any advertisement published in a daily newspaper, or in the event there is no daily newspaper, then in any other publication of regular issue, said publication to be published in the territory affected, said advertisement shall be a display advertisement and shall be of a size at least two columns by six inches. Said notice shall be mailed or shall be published at least fifteen (15) days previous to the time of the hearing and it shall contain information as to the time and place of the hearing, and shall state where a copy of the code or a contemplated change in an existing code may be secured.

(n) A "retail outlet" shall be a person who handles milk and/or milk products for a resale to people who customarily do not consume them on the premises where sold.

Sec. 3. Any representative group engaged in the milk industry, in any county having a population in excess of seventy-seven thousand and seven hundred (77,700) and less than eighty thousand and seven hundred (80,700), according to the Federal Census last preceding the time when in said county attempt is made to exercise the provisions of this Act, may submit to the Board, hereinafter authorized, a code or agreement of fair competition and trade practices. In each county of the above mentioned class, a local Milk Industry Board of five (5) members shall be elected, as follows: Two (2) members of the Board shall be elected by and from the contracting producers; two (2) by and from the contracting distributors; and the fifth member, to represent the consumer, shall be appointed by the county judge of the county concerned. Such fifth member shall be a resident of the sales area and shall have no connection, financially or otherwise, with the distribution of milk or products derived therefrom. The term of office of each member shall be two (2) years from date of certificate of approval by Commissioner.

Members representing the contracting producers and contracting distributors, respectively, shall be elected by the respective parties in a manner to be determined by themselves, provided that a vote of producers representing not less than seventy per cent (70%) of the total volume of milk produced within the production area, for distribution as fluid milk during the calendar month next preceding such election which volume percentage of production shall include seventy per cent (70%) of producers by number and a vote of distributors representing not less than seventy per cent (70%) of the total volume of fluid milk distributed as fluid milk during the calendar month next preceding such election which volume percentage of distribution shall include seventy per cent (70%) of the distributors by number, respectively, shall be necessary for such election. Upon election the names of all the members shall be certified by the party or parties conducting such election to the Commissioner for his approval. The

Commissioner may require that such certification include a statement of the manner and vote by which the respective members were elected and the percentage of the total production, or sales of fluid milk within the area represented by such vote. Members whose names have been certified to the Commissioner and approved by him shall immediately enter upon the discharge of their duties. The certificate of the Commissioner approving such member shall be prima facie evidence that such member has been elected by the required number and percentage of the total volume of milk of the group from which he was elected. If the Commissioner shall not approve a member, there shall be a vacancy on the Milk Industry Board. Any member may be removed with or without cause, by vote of all producers or distributors, as the case may be, representing a volume of milk equal to at least three-fourths of the volume and number by which he was originally elected. Any vacancies on the Milk Board shall be filled in the same manner and by the same parties as provided for the original election.

The Milk Industry Board shall be organized by the members by the selection of a chairman, vice-chairman, who shall be a member, and a secretary-treasurer who may or may not be a member. The Milk Industry Board shall employ such agents, assistants and clerks as may be necessary to perform its duties. All officers and employes of the Milk Industry Board who handle funds for the Milk Industry Board or who sign or countersign checks upon such funds shall severally give bonds in such amounts and with such sureties as shall be determined by the Milk Industry Board. The cost of such bonds shall be paid by the Milk Board.

The members shall serve without compensation, but shall be entitled to reimbursement for the expenses incurred in the performances of their duties.

Said Board shall provide for due notice to the parties interested and for a hearing on the proposed code and/or agreement, said Board shall make such changes and modifications, if any, in such proposed code as in its discretion will tend to effectuate the policies herein declared. Any proposed code and/or agreement that

receives the approval on matters affecting the distributors of fifty-one per cent (51%) of their number and sixty per cent (60%) of their volume sold in the milk shed or trade territory affected, and affecting producers of fifty-one per cent (51%) of their number and sixty per cent (60%) of their volume represented in the milk shed affected, shall become a duly constituted code upon receiving the approval of the Board. The Board shall not approve a code or an agreement unless said code contains ample protection for consumers, and competitors, and tends to effectuate the policies herein declared. Every distributor, every processor, and every retail outlet for milk or milk products, as defined in this Act, shall apply to the Board for a certificate of authority following the approval of a code and/or agreement to engage in such milk industry in the territory affected, and no distributor or processor or retail outlet after the effective date of said code, codes or agreement shall engage in or carry on any milk industry in any area where such code, codes or agreements are in effect without such certificate of authority. Every person required to procure a certificate of authority shall pay the Board one dollar (\$1.00) for each certificate issued, said certificate to be valid for a period of one (1) year from date issued, unless revoked sooner as herein provided.

Sec. 4. After the Board shall have approved such code, codes, or agreements, the provisions thereof shall be the standard of fair competition for such milk industry within the area defined in such code, codes, or agreements, and any violation of such standards in any transaction in or affecting the milk industry in such area shall be deemed to be an unfair method of competition within the meaning of this Act.

Sec. 5. Any district court in the State of Texas having jurisdiction over the territory or any portion thereof where such code, codes, or agreements are made effective is hereby invested with jurisdiction, and it is hereby made the duty of said courts to prevent and restrain violations of any such code, codes, or agreements of fair competition approved under this Act by the Board and/or any provision of this Act, and it shall not be necessary in

such suit for the plaintiff to allege and prove that such plaintiff will suffer irreparable injury, or any damage; nor that it does not have adequate and complete remedy at law. It shall be the duty of the several district attorneys authorized to act in said localities to institute, under the direction of the Board, proceedings in equity to restrain such violations.

Sec. 6. Any code, codes, or agreements approved by the Board under the authority of this Act may be amended, changed, enlarged, modified or suspended upon the Board's own motion with the approval on matters affecting distribution of fifty-one (51) per cent of the distributors affected in number and sixty (60) per cent of the volume of the distributors affected and upon the approval on matters affecting production of fifty-one (51) per cent of the producers affected and sixty (60) per cent of the volume affected, or upon the application and approval on matters affecting distribution of fifty-one (51) per cent of the distributors affected in numbers and sixty (60) per cent of the volume of the distributors affected, and/or matters affecting production of fifty-one (51) per cent of the producers affected and sixty (60) per cent of the volume affected. The Board must provide for due notice and public hearing of contemplated changes.

Sec. 7. The Board may suspend or revoke such certificate of authority after due notice and opportunity for hearing for violation of the terms and provisions of any code adopted and approved under the authority of this Act, provided affected party has been afforded not less than thirty (30) days' written notice for such hearing.

(b) Any distributor or processor or retail outlet who without such certificate of authority carries on any transaction in the areas defined herein in the handling of milk or milk products for which a certificate of authority is so required shall, upon conviction thereof, be fined not to exceed two hundred dollars (\$200) and each day such violation continues shall be deemed a separate offense.

(c) Any officer, agent or servant of any corporation or firm violating any provision of this Act shall be individually and personally subject to the punishment provided for in Section 7, Subsection (b) of this Act

whenever any such officer, agent or servant has knowledge of such violation by the corporation or firm at the time same was committed and where it was at the time of such violation within the power of such officer, agent or servant to prevent same.

Sec. 8. Any code, codes, or agreements authorized hereunder shall provide for and have authority and power to provide for the necessary funds for the administration thereof. These funds shall include a sum not to exceed five cents (5c) per one hundred (100) pounds of milk, or its equivalent, which shall, with all other fees for the certificate of authority, filing of codes or agreements, be paid into the Milk Industry Board, to be used for the expenses in the administration of their duties. These funds shall be based on the milk sold as fluid and shall be paid by distributors for each calendar month within fifteen (15) days following the last of each month, direct to the Milk Industry Board.

Sec. 9. If any section or provision of this Act shall be declared unconstitutional or invalid for any reason, such decision shall not affect any other provision or portion of this Act, and such other provision or provisions shall remain in full force and effect. Provided that the provisions of this Act shall not alter, repeal, change, modify or in any way change the provisions of the Anti-trust Laws of the State of Texas, as defined in Articles 1632 to 1635, inclusive, nor of the Texas Penal Code, which expressly prohibits "two or more persons from fixing, maintaining, increasing, or reducing the prices of merchandise, produce, or commodities."

Sec. 10. All acts of any such Board shall be prima facie valid.

Sec. 11. The importance of the matters covered by this Act, the emergency declared to be existing and the necessity for affording and supplying a constant and sufficient quantity of properly prepared and sanitarily protected supply of fluid milk for the people of Texas and particularly the people in the more congested populated centers, and the fact that there is now no adequate law regulating matters provided for herein, and the further fact that neither the Agricultural Adjustment Act nor the National Industrial Recovery Act of the Federal Government applies to milk moving in intrastate commerce in the

State of Texas, create such an emergency and imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house, should be suspended, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

HORNSBY,
POAGE,
WOODRUFF,
DeBERRY,

On the part of the Senate;

PADGETT,
FORD,
PAYNE,
STINSON,
ASH,

On the part of the House.

On motion of Mr. Padgett, the report was adopted by the following vote:

Yeas—100

Adamson	Head
Adkins	Herzik
Alsup	Hill
Ash	Hodges
Beck	Hofheinz
Bergman	Holland
Bourne	Hoskins
Bradbury	Howard
Bradford	Huddleston
Butler of Karnes	Hunt
Cagle	Jackson
Caldwell	James
Calvert	Jones of Atascosa
Clayton	Jones of Shelby
Collins	Jones of Wise
Colquitt	Knetsch
Cooper	Lanning
Craddock	Latham
Daniel	Leath
Davis	Lemens
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Luker
Dickison	Mauritz
Dunagan	McCalla
Fain	McFarland
Farmer	McKinney
Fisher	Moffett
Fitzwater	Moore
Fox	Newton
Frazer	Olsen
Fuchs	Padgett
Gibson	Patterson
Graves	Payne
Gray	Petsch
Greathouse	Quinn
Hanna	Reader
Hardin	Reed of Bowie
Harris of Dallas	Reed of Dallas

Roach of Angelina	Tarwater
Roach of Hunt	Thornton
Roark	Tillery
Roberts	Venable
Russell	Waggoner
Rutta	Walker
Scarborough	Wells
Settle	Westfall
Smith	Wood of Harrison
Spears	Wood of Montague
Stinson	Worley
Stovall	Youngblood

Nays—10

Aikin	Lindsey
Broyles	McConnell
Burton	Morris
Duvall	Morrison
Harris of Archer	Tennyson

Present—Not Voting

Roane	Shofner
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Absent

Alexander	Hunter
Atchison	Jones of Falls
Butler of Brazos	Jones of Runnels
Celaya	Keefe
Colson	King
Cowley	Lange
Crossley	Leonard
Dunlap of Hays	McKee
Dunlap of Kleberg	Morse
Dwyer	Nicholson
England	Palmer
Ford	Pope
Glass	Riddle
Good	Rogers
Hankamer	Steward
Hartzog	Young

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

**MOTION TO INSTRUCT CONFEREES ON HOUSE
BILL NO. 11**

The Speaker laid before the House, for consideration at this time, the following motion by Mr. Davison of Fisher, in regard to instructing conferees on House Bill No. 11:

That the new conference committee on House Bill No. 11 be instructed to retain the provision relative to gross receipts as follows:

"Eight (8) per cent of the gross receipts received from all purposes by the Texas Centennial Commission and/or its agency or agencies shall be paid into the Treasury of the State of Texas for the benefit of the Gen-

eral Fund. By gross receipts is meant all moneys coming from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived. The State of Texas shall have a first and prior lien on all gross receipts as above referred to until said eight (8) per cent is paid into the Treasury of the State of Texas. The said Centennial Commission and/or its agency or agencies shall keep an accurate record of all receipts earned as a result of said Centennial Celebration, and on the first day of each and every month after said Exposition has gotten under way, the said Commission shall report to the Treasurer of the State of Texas, giving in detail the total amount of gross receipts, and said report shall be accompanied by a certified check for an amount equal to eight (8) per cent of said gross receipts."

Mr. Stinson moved to table the motion by Mr. Davison of Fisher.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Adamson	King
Alexander	Leath
Ash	Lemens
Atchison	Leonard
Bradford	Luker
Butler of Karnes	McFarland
Caldwell	McKee
Calvert	McKinney
Celaya	Moffett
Clayton	Moore
Collins	Morrison
Colquitt	Newton
Colson	Nicholson
Cooper	Olsen
Duvall	Palmer
Fain	Patterson
Ford	Payne
Fuchs	Pope
Good	Reader
Hankamer	Reed of Dallas
Hanna	Roane
Harris of Dallas	Rogers
Hartzog	Russell
Hill	Scarborough
Hodges	Settle
Hoskins	Smith
Howard	Spears
Hunter	Steward
Jackson	Stinson
James	Stovall
Jones of Atascosa	Thornton
Jones of Falls	Waggoner
Jones of Runnels	Wells

Wood of Montague Young
Worley Youngblood

Nays—61

Adkins	Hofheinz
Aikin	Holland
Alsup	Huddleston
Beck	Hunt
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Broyles	Lanning
Burton	Lindsey
Cagle	Lotief
Craddock	Lucas
Crossley	Mauritz
Daniel	McCalla
Davison of Fisher	McConnell
Davisson	Morris
of Eastland	Petsch
Dunlap of Hays	Quinn
Dwyer	Reed of Bowie
England	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roark
Fitzwater	Roberts
Fox	Rutta
Frazer	Shofner
Gibson	Tarwater
Graves	Tennyson
Greathouse	Tillery
Hardin	Venable
Harris of Archer	Walker
Head	Westfall
Herzik	Wood of Harrison

Present—Not Voting

Davis Knetsch

Absent

Butler of Brazos	Gray
Cowley	Lange
Dickison	Latham
Dunagan	Morse
Dunlap of Kleberg	Padgett
Glass	Riddle

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

Paired

Mr. Knetsch (present), who would vote "nay," with Mr. Butler of Brazos (absent), who would vote "yea."

Mr. Gibson moved that the new conference committee on House Bill No. 11 be instructed to retain the provision relative to gross receipts as follows:

"Five (5) per cent of the gross receipts received from all purposes by the Texas Centennial Commission,

and/or its agency or agencies shall be paid into the Treasury of the State of Texas for the benefit of the General Fund. By gross receipts is meant all moneys coming from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived. The State of Texas shall have a first and prior lien on all gross receipts as above referred to until said five (5) per cent is paid into the Treasury of the State of Texas. The said Centennial Commission and/or its agency or agencies shall keep an accurate record of all receipts earned as a result of said Centennial Celebration, and on the first day of each and every month after said Exposition has gotten under way, the said Commission shall report to the Treasurer of the State of Texas, giving in detail the total amount of gross receipts, and said report shall be accompanied by a certified check for an amount equal to five (5) per cent of said gross receipts."

GIBSON,
LEMENS.

Mr. Jones of Atascosa moved to table the motion by Mr. Gibson.

The motion to table prevailed.

Mr. Keefe submitted the following motion:

I move to instruct House conferees to retain the following provision in House Bill No. 11:

"Seven (7) per cent of the gross receipts received from all purposes by the Texas Centennial Commission, and/or its agency or agencies, shall be paid into the Treasury of the State of Texas for the benefit of the General Fund. By gross receipts is meant all moneys coming from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived; provided, however, no city or community or political subdivision receiving allocations of this appropriation shall be required to pay into the Treasury of Texas for the benefit of the General Fund an amount more than the allocation received. The State of Texas shall have a first and prior lien on all gross receipts as above referred to until said per cent is paid into the Treasury of the State of Texas. The said Centennial Commission and/or its agency or agencies shall keep an accurate record of all receipts earned as a result of said Centennial Cele-

bration, and on the first day of each and every month after said Exposition has gotten under way, the said Commission shall report to the Treasurer of the State of Texas giving in detail the total amount of gross receipts, and said report shall be accompanied by a certified check for an amount equal to seven (7) per cent of said gross receipts."

KEEFE,
THORNTON.

Mr. Stinson raised a point of order on further consideration of the motion by Mr. Keefe, on the ground that the motion attempts to insert matter in the bill which was not included in the original bill, and that same is not permissible under the Rules.

The Speaker overruled the point of order.

Mr. Jones of Atascosa raised the further point of order, that the questions referred to in the motion have already been disposed of by the vote on the previous motions to instruct the conferees.

The Speaker overruled the point of order.

Mr. Stinson moved to table the motion by Mr. Keefe.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—62

Adamson	Hoskins
Alexander	Howard
Ash	Hunter
Atchison	Jackson
Bradford	James
Butler of Karnes	Jones of Atascosa
Caldwell	Jones of Falls
Calvert	King
Celaya	Lemens
Clayton	Luker
Collins	McFarland
Colquitt	McKee
Colson	McKinney
Cooper	Moffett
Cowley	Morrison
Duvall	Morse
Ford	Newton
Fuchs	Nicholson
Good	Olsen
Gray	Padgett
Hankamer	Patterson
Hanna	Payne
Harris of Dallas	Pope
Hartzog	Reed of Dallas
Hill	Rogers
Hodges	Russell

Scarborough
Settle
Spears
Steward
Stinson

Stovall
Waggoner
Wells
Wood of Montague
Young

Nays—71

Adkins	Hunt
Aikin	Jones of Shelby
Alsup	Jones of Wise
Beck	Keefe
Bergman	Lanning
Bourne	Latham
Bradbury	Lindsey
Broyles	Lotief
Burton	Lucas
Craddock	Mauritz
Daniel	McCalla
Davison of Fisher	McConnell
Davisson	Moore
of Eastland	Morris
Dickison	Petsch
Dunagan	Quinn
Dunlap of Hays	Reader
Dwyer	Reed of Bowie
England	Roach of Angelina
Fain	Roach of Hunt
Farmer	Roane
Fisher	Roark
Fitzwater	Roberts
Fox	Rutta
Frazer	Shofner
Gibson	Smith
Glass	Tarwater
Graves	Tennyson
Greathouse	Thornton
Hardin	Tillery
Harris of Archer	Venable
Head	Walker
Herzik	Westfall
Hofheinz	Wood of Harrison
Holland	Worley
Huddleston	Youngblood

Present—Not Voting

Davis Knetsch

Absent

Butler of Brazos	Lange
Cagle	Leath
Crossley	Leonard
Dunlap of Kleberg	Palmer
Jones of Runnels	Riddle

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

Paired

Mr. Knetsch (present), who would vote "nay," with Mr. Butler of Brazos (absent), who would vote "yea."

Question recurring on the motion by Mr. Keefe, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—68

Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	Lanning
Beck	Latham
Bergman	Lotief
Bourne	Lucas
Bradbury	Mauritz
Broyles	McCalla
Burton	McConnell
Craddock	Moore
Daniel	Morris
Davison of Fisher	Palmer
Davisson	Petsch
of Eastland	Quinn
Dickison	Reader
Dunagan	Reed of Bowie
Dunlap of Hays	Roach of Angelina
Dwyer	Roach of Hunt
Farmer	Roark
Fisher	Roberts
Fitzwater	Rogers
Fox	Rutta
Frazer	Shofner
Gibson	Smith
Glass	Tarwater
Graves	Tennyson
Greathouse	Thornton
Hardin	Tillery
Harris of Archer	Venable
Head	Walker
Herzik	Westfall
Hofheinz	Wood of Harrison
Holland	Worley
Huddleston	Youngblood
Hunt	

Nays—66

Adamson	Hill
Alexander	Hodges
Ash	Hoskins
Atchison	Howard
Bradford	Hunter
Butler of Karnes	Jackson
Cagle	James
Caldwell	Jones of Atascosa
Calvert	Jones of Falls
Celaya	King
Clayton	Leath
Collins	Lemens
Colquitt	Leonard
Colson	Luker
Cooper	McFarland
Cowley	McKee
Duvall	McKinney
Fain	Moffett
Ford	Morrison
Fuchs	Morse
Good	Newton
Gray	Nicholson
Hankamer	Olsen
Hanna	Padgett
Harris of Dallas	Patterson
Hartzog	Payne

Pope	Steward
Reed of Dallas	Stinson
Roane	Stovall
Russell	Waggoner
Scarborough	Wells
Settle	Wood of Montague
Spears	Young

Present—Not Voting

Davis	Knetsch
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Absent

Butler of Brazos	Keefe
Crossley	Lange
Dunlap of Kleberg	Lindsey
England	Riddle
Jones of Runnels	

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

Paired

Mr. Knetsch (present), who would vote "yea," with Mr. Butler of Brazos (absent), who would vote "nay."

Mr. Keefe moved to reconsider the vote by which the motion was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—61

Adkins	Head
Aikin	Herzik
Alsup	Hofheinz
Beck	Huddleston
Bergman	Hunt
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Burton	Keefe
Cagle	Lanning
Craddock	Lotief
Crossley	Lucas
Daniel	Mauritz
Davison of Fisher	McCalla
Davisson	McConnell
of Eastland	Moore
Dunlap of Hays	Morris
Dwyer	Petsch
England	Quinn
Farmer	Reed of Bowie
Fitzwater	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roark
Gibson	Roberts
Graves	Rogers
Greathouse	Rutta
Hardin	Shofner
Harris of Archer	Smith

Tarwater
Tennyson
Thornton
Tillery
Venable

Walker
Westfall
Wood of Harrison
Worley

The motion to reconsider prevailed
by the following vote:

Yeas—72

Nays—71

Adamson	Jones of Atascosa
Ash	Jones of Falls
Atchison	King
Bradford	Leath
Broyles	Lemens
Butler of Karnes	Leonard
Caldwell	Lindsey
Calvert	Luker
Celaya	McFarland
Clayton	McKee
Collins	McKinney
Colquitt	Moffett
Colson	Morrison
Cooper	Morse
Cowley	Newton
Davis	Nicholson
Dunagan	Padgett
Duvall	Palmer
Fain	Patterson
Fisher	Payne
Ford	Pope
Fuchs	Reed of Dallas
Glass	Roane
Good	Russell
Gray	Scarborough
Hankamer	Settle
Hanna	Spears
Harris of Dallas	Steward
Hartzog	Stinson
Hill	Stovall
Hodges	Waggoner
Hoskins	Wells
Howard	Wood of Montague
Hunter	Young
Jackson	Youngblood
James	

Present—Not Voting

Knetsch Olsen

Absent

Alexander	Jones of Runnels
Butler of Brazos	Lange
Dickison	Latham
Dunlap of Kleberg	Reader
Holland	Riddle

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

Paired

Mr. Knetsch (present), who would vote "yea," with Mr. Butler of Brazos (absent), who would vote "nay."

Question then recurring on the motion to reconsider the vote by which the motion by Mr. Keefe was adopted, yeas and nays were demanded.

Adamson	Jones of Atascosa
Alexander	Jones of Falls
Ash	King
Atchison	Leath
Bradford	Lemens
Broyles	Leonard
Butler of Karnes	Luker
Caldwell	McFarland
Calvert	McKee
Celaya	McKinney
Clayton	Moffett
Collins	Morrison
Colquitt	Morse
Colson	Newton
Cooper	Nicholson
Cowley	Olsen
Dunagan	Padgett
England	Patterson
Fain	Payne
Fisher	Pope
Ford	Reed of Dallas
Fuchs	Roane
Good	Rogers
Gray	Russell
Hankamer	Rutta
Hanna	Scarborough
Harris of Dallas	Settle
Hartzog	Spears
Hill	Steward
Hodges	Stinson
Holland	Stovall
Hoskins	Waggoner
Howard	Wells
Hunter	Wood of Montague
Jackson	Worley
James	Young

Nays—62

Adkins	Greathouse
Aikin	Hardin
Alsup	Harris of Archer
Beck	Head
Bergman	Hofheinz
Bradbury	Huddleston
Burton	Hunt
Cagle	Jones of Runnels
Craddock	Jones of Shelby
Crossley	Jones of Wise
Daniel	Keefe
Davis	Lanning
Davison of Fisher	Lindsey
Davisson	Lotief
of Eastland	Lucas
Dunlap of Hays	Mauritz
Dwyer	McCalla
Farmer	McConnell
Fitzwater	Moore
Fox	Morris
Frazer	Palmer
Gibson	Petsch
Glass	Quinn
Graves	Reed of Bowie

Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roark	Venable
Roberts	Walker
Shofner	Westfall
Smith	Wood of Harrison
Tarwater	Youngblood
Tennyson	

Present—Not Voting

Knetsch

Absent

Bourne	Herzik
Butler of Brazos	Lange
Dickison	Latham
Dunlap of Kleberg	Reader
Duvall	Riddle

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

Paired

Mr. Knetsch (present), who would vote "nay," with Mr. Butler of Brazos (absent), who would vote "yea."

Question—Shall the motion by Mr. Keefe be adopted?

Question again recurring on the motion by Mr. Keefe, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 70; nays, 70.

Mr. Hunt called for a verification of the vote.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

Yeas—67

Adkins	Fitzwater
Aikin	Fox
Alsup	Frazer
Beck	Gibson
Bergman	Glass
Bourne	Graves
Bradbury	Greathouse
Broyles	Hardin
Burton	Harris of Archer
Cagle	Head
Craddock	Herzik
Crossley	Hofheinz
Davis	Holland
Davison of Fisher	Huddleston
Davisson	Hunt
of Eastland	Jones of Shelby
Dunlap of Hays	Jones of Wise
Dwyer	Keefe
England	Lanning
Farmer	Lindsey
Fisher	Lotief

Lucas	Roberts
Mauritz	Rogers
McCalla	Rutta
McConnell	Shofner
Moore	Tarwater
Morris	Tennyson
Palmer	Thornton
Petsch	Tillery
Quinn	Venable
Reed of Bowie	Walker
Roach of Angelina	Westfall
Roach of Hunt	Wood of Harrison
Roark	Worley

Nays—70

Adamson	Jones of Falls
Alexander	King
Ash	Leath
Atchison	Lemens
Bradford	Leonard
Butler of Karnes	Luker
Caldwell	McFarland
Calvert	McKee
Celaya	McKinney
Clayton	Moffett
Collins	Morrison
Colquitt	Morse
Colson	Newton
Cooper	Nicholson
Cowley	Olsen
Daniel	Padgett
Dickison	Patterson
Duvall	Payne
Fain	Pope
Ford	Reader
Fuchs	Reed of Dallas
Good	Roane
Gray	Russell
Hankamer	Scarborough
Hanna	Settle
Harris of Dallas	Smith
Hartzog	Spears
Hill	Steward
Hodges	Stinson
Hoskins	Stovall
Howard	Waggoner
Hunter	Wells
Jackson	Wood of Montague
James	Young
Jones of Atascosa	Youngblood

Present—Not Voting

Knetsch

Absent

Butler of Brazos	Lange
Dunagan	Latham
Dunlap of Kleberg	Riddle
Jones of Runnels	

Absent—Excused

Canon	Jefferson
Hyder	Stanfield

Paired

Mr. Knetsch (present), who would vote "yea," with Mr. Butler of Brazos (absent), who would vote "nay."

The Speaker announced that the motion by Mr. Keefe was lost.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 750, A bill to be entitled "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision excepting farm products when offered for sale by the producer, from the operation of the article, and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act amending Sections 3, 14, and 16, of the F. C. C. S. B. No. 49, Chapter 107, Acts of the Regular Session, Forty-first Legislature, 1929, relating to the salary of the Board of Pharmacy, providing renewal fees for licenses and prohibiting the use of the word 'Pharmacy' where no registered pharmacist is employed, and fixing penalties, and declaring an emergency." (With amendments.)

H. B. No. 883, A bill to be entitled "An Act amending Article 965, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 780, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1935, and ending August 31, 1937, and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency." (With amendments.)

The Senate has adopted

Conference committee report on Senate Bill No. 361 by the following vote: Yeas, 26; nays, 2.

Conference committee report on House Bill No. 257 by a vote of yeas, 23; nays, 4; present—not voting, 1.

Conference committee report on House Concurrent Resolution No. 50 by vote of yeas, 28; nays, 0.

Conference committee report on House Bill No. 424 by a vote of yeas, 28; nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTIONS SIGNED
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 48, Designating cowboy artist of Texas.

H. C. R. No. 77, Relative to the use of certain funds by Live Stock Sanitary Commission.

H. C. R. No. 70, Granting T. G. Allen permission the sue the State.

H. C. R. No. 39, Designating March 4 as "Roosevelt" Day.

H. C. R. No. 78, Requesting establishment of CCC Camps along Trinity River.

H. C. R. No. 61, Relative to tax on sale of cigarettes.

H. C. R. No. 51, Granting H. B. McElmurray and Mrs. H. B. McElmurry permission to sue the State.

H. C. R. No. 79, Granting Dr. C. R. Miller permission to sue the State.

H. C. R. No. 65, Memorializing Congress in regard to cotton manufacturing industry.

H. J. R. No. 39, Proposing an amendment to Section 15 of Article I of the Constitution of Texas, and providing that the Legislature may authorize the commitment of insane persons, idiots, lunatics and/or epileptics without the necessity of a trial by jury.

S. B. No. 498, "An Act prohibiting the taking, removing and carrying away of sand, marl, shell, gravel, or other material from land located between any sea wall and the water's edge or from any beach or shore line within this State, and declaring an emergency."

H. B. No. 589, "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed 15,000, according to the last United States Census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock, or other association, amounting to at least fifty per cent of all the claims against such debtor and where the commissioners court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county, etc., and declaring an emergency."

H. B. No. 697, "An Act authorizing B. H. Willis of Jefferson County, Texas, to institute and maintain a suit against the State of Texas, in the District Court of Liberty County, Texas, and in said suit to recover the value of lands owned by him and appropriated by the State of Texas as a right of way for State Highway No. 3, commonly known as 'The Old Spanish Trail,' etc., and declaring an emergency."

H. B. No. 304, "An Act relating to marks and brands of live stock in Fort Bend County only, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of 1925, shall, within six months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county, etc., and declaring an emergency."

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 521

Mr. Reed of Dallas offered the following resolution:

H. C. R. No. 92, Authorizing certain correction in House Bill No. 521.

Whereas, House Bill No. 521 has passed the House and Senate; and

Whereas, A typographical error was made in an amendment that was placed on the bill in the Senate, leaving out the word "other"; therefore, be it

Resolved by the House, the Senate concurring, That the Enrolling Clerk

of the House be instructed to correct this typographical error in House Bill No. 521.

The resolution was read second time, and was adopted.

INVITING HON. MARTIN DIES TO ADDRESS A JOINT SESSION

Mr. Pope offered the following resolution:

H. C. R. No. 93, Inviting Hon. Martin Dies to address Joint Session.

Whereas, The Hon. Martin Dies, Congressman from the Beaumont District, is now in Texas to consult with the cotton growers and cotton interests of Texas relative to which of the several bills now pending before Congress should be passed; and

Whereas, Many cotton growers in this part of Texas would like to hear Mr. Dies discuss the bill he has introduced in Congress and compare its provisions to the provisions of the other bills pending in Congress on the subject of growing and marketing cotton; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a Joint Session of the two Houses be held Tuesday, April 23, 1935, at 1 o'clock p. m., for the purpose of hearing the Hon. Martin Dies discuss said cotton bills and that the Chief Clerk of the House of Representatives wire Mr. Dies of our desire to hear him at that time and that all farmers in Texas who may desire to hear Mr. Dies, be invited through the press to be present at said time.

POPE,
McKEE,
DAVISON of Fisher,
NICHOLSON,
ROARK,
QUINN,
MORSE.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 780 WITH SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 780, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Gov-

ernment for the two-year period beginning September 1, 1935, and ending August 31, 1937, and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Leonard moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

HOUSE BILL NO. 356 WITH SENATE AMENDMENTS

Mr. Reader called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 356, A bill to be entitled "An Act amending Sections 3, 14, and 16, of the F. C. C. S. B. No. 49, Chapter 107, Acts of the Regular Session, Forty-first Legislature, 1929, relating to the salary of the Board of Pharmacy, providing renewal fees for licenses and prohibiting the use of the word 'Pharmacy' where no registered pharmacist is employed, and fixing penalties, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Reader moved that the House concur in the Senate amendments.

On motion of Mr. Alsup, the Senate amendments were ordered printed in the Journal and further consideration of the bill was postponed until tomorrow.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 19, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 92, Enrolling Clerk of House be instructed to correct the typographical error in House Bill No. 521.

H. C. R. No. 93, Providing for a Joint Session of the Legislature on Tuesday, April 23, 1935, to hear Hon.

Martin Dies discuss the cotton bills pending in Congress.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RECESS

Mr. Dunagan moved that the House adjourn until 9:30 o'clock a. m., next Monday.

Mr. Reader moved that the House recess to 2 o'clock p. m., today.

Question recurring on the motion by Mr. Reader, it prevailed, and the House, accordingly, at 12:20 o'clock p. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

Mr. Petsch moved a call of the House for the purpose of maintaining a quorum until 4 o'clock p. m., today, and the call was duly ordered.

On motion of Mr. Petsch the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was called and the following members were present:

Mr. Speaker	Farmer
Adamson	Fisher
Adkins	Ford
Aikin	Fox
Alexander	Frazer
Alsup	Gibson
Atchison	Glass
Beck	Good
Bergman	Graves
Bourne	Hankamer
Bradford	Hanna
Broyles	Hardin
Burton	Harris of Archer
Butler of Karnes	Harris of Dallas
Cagle	Head
Calvert	Herzik
Collins	Hill
Cowley	Hodges
Craddock	Hofheinz
Crossley	Hoskins
Daniel	Howard
Davis	Huddleston
Davison of Fisher	Hunt
Dickison	Hunter
Dunlap of Hays	Jackson
Dunlap of Kleberg	Jones of Atascosa
England	Jones of Falls
Fain	Jones of Runnels

Jones of Wise	Pope
Keefe	Reader
King	Reed of Dallas
Knetsch	Roach of Angelina
Lanning	Roach of Hunt
Latham	Roark
Leath	Roberts
Lemens	Rogers
Leonard	Russell
Lindsey	Rutta
Lucas	Scarborough
Luker	Shofner
Mauritz	Spears
McCalla	Steward
McConnell	Stinson
McFarland	Stovall
McKinney	Tarwater
Moffett	Tennyson
Moore	Thornton
Morris	Tillery
Morrison	Venable
Morse	Waggoner
Newton	Walker
Nicholson	Wells
Olsen	Westfall
Padgett	Wood of Montague
Patterson	Worley
Payne	Young
Petsch	Youngblood

Absent

Ash	Gray
Bradbury	Greathouse
Butler of Brazos	Hartzog
Caldwell	Holland
Celaya	James
Clayton	Jones of Shelby
Colquitt	Lange
Colson	Lotief
Cooper	McKee
Davisson	Palmer
of Eastland	Quinn
Dunagan	Riddle
Duval	Roane
Dwyer	Settle
Fitzwater	Smith
Fuchs	Wood of Harrison

Absent—Excused

Canon	Reed of Bowie
Hyder	Stanfield
Jefferson	

A quorum was announced present.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 92, Authorizing the Enrolling Clerk to make certain correction in House Bill No. 521.

H. C. R. No. 93, Inviting Hon. Martin Dies to address a Joint Session.

S. B. No. 361, "An Act creating 'Sabine-Neches Conservation District,' a conservation and reclamation district with the powers provided in Section 59 of Article XVI of the Constitution, to conserve, control, and utilize the waters of the Sabine and Neches Rivers and their tributaries, including their storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation, and declaring an emergency."

H. B. No. 883, "An Act amending Article 965, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 257, "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; providing for the submission of code or codes to the milk control board by groups engaged in the milk industry in counties having a population in excess of 77,600 and less than 77,800, according to the Federal Census last preceding the time when said submission is made from said counties for the setting up of a code, codes, or agreements, etc., and declaring an emergency."

H. B. No. 750, "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision excepting farm products when offered for sale by the producer, from the operation of the article, and declaring an emergency."

HOUSE BILL NO. 77 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 77, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Upper Colorado River Authority, pursuant to and for the purposes set

forth in Section 59 of Article XVI, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; etc., and declaring an emergency";

The bill having been read second time on April 4, with committee amendment by Mr. Jones of Runnels, and amendment by Mr. Jones of Runnels to the committee amendment, pending.

Mr. Aikin raised the following point of order:

Mr. Speaker: I raise the following point of order on Section 17, House Bill No. 77, on the ground that it violates Section 10 of Article VIII of the Constitution, because no public calamity is declared to exist in the caption of said bill. I raise this point of order only against Section 17 and do not direct said point of order against the entire bill in accordance with Section 35 of Article III of the Constitution.

"I submit the following with regard to public calamity being declared to exist in the emergency clause only. In the case of M. K. & T. Railroad Company vs. Thomason, 280 S. W., 325, the court holds the following:

"Emergency clauses on bills, however, are not added for the purpose of clarifying or declaring the intention of the Legislature, nor to explain the express language of the Act; but only for the purpose of setting forth the reasons for the suspension of the constitutional rule requiring the bill to be read on three separate days, and for putting into immediate effect such Act, whatever be its scope and terms."

I think there is no question but that since this is not declared to exist in the body of the caption of the bill that Section 17 would not be germane to this bill.

AIKIN.

The Speaker overruled the point of order.

Question recurring on the amendment to the committee amendment, it was adopted.

The committee amendment, as amended, was then adopted.

Mr. Jones of Runnels offered the following committee amendment to the bill:

Amend House Bill No. 77 by striking out all above the enacting clause and insert in lieu thereof the following:

"H. B. No. 77,

A BILL To Be Entitled

An Act creating a conservation and reclamation district composed of the Counties of Coke and Tom Green, to be known as the Upper Colorado River Authority, pursuant to and for the purposes set forth in Section 59-a of Article XVI of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59-a, except as expressly limited; conferring certain other powers thereon, including power of control, storage, preservation, use, distribution and sale of the waters of the Colorado River and its tributaries; to develop, generate, distribute and sell water power and electric energy; to acquire property by condemnation or otherwise; to construct, maintain, use and operate facilities; to make contracts to borrow money; to create and issue negotiable bonds for cash, property or refunding purposes on stated terms and conditions, and in connection therewith to pledge all or any part of its revenues; vesting the powers of the district in a Board of Directors and prescribing the manner of their appointment and their duties; providing for the appointment of officers, agents and employees; providing for the fiscal

management of the districts; preserving existing water rights to the extent provided; providing for the donation and granting by the State of Texas to the district herein created of all annual current State ad valorem taxes collected in Coke and Tom Green Counties for a period of twenty years, beginning September 1, 1935; prescribing the manner and methods of collecting said taxes and the payment and disbursement thereof to the district; providing that said taxes may be used for the payment and retirement of interest and sinking fund upon bonds issued for the development of the district; prescribing all necessary details to carry out the intent and purpose of this Act; making an appropriation of \$5,000 to the district; providing that if any provisions of this Act shall be held invalid, the validity of the provisions thereof shall not be affected, and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

H. B. No. 77 was then passed to engrossment.

HOUSE BILL NO. 77 ON THIRD READING

Mr. Jones of Runnels moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—94

Adamson	Dunlap of Kleberg
Adkins	Dwyer
Alsup	England
Ash	Fain
Bourne	Fisher
Bradford	Fox
Cagle	Frazer
Calvert	Fuchs
Celaya	Gibson
Clayton	Glass
Collins	Graves
Colson	Gray
Cooper	Greathouse
Cowley	Hankamer
Craddock	Hanna
Davison of Fisher	Harris of Dallas
Dunlap of Hays	Hartzog

Head	McKinney
Hill	Moore
Hodges	Morrison
Hofheinz	Morse
Holland	Newton
Hoskins	Nicholson
Howard	Olsen
Huddleston	Padgett
Hunter	Patterson
Jackson	Payne
James	Pope
Jones of Atascosa	Reader
Jones of Runnels	Reed of Dallas
Jones of Shelby	Roach of Angelina
Jones of Wise	Roach of Hunt
Keefe	Roark
King	Rogers
Knetsch	Settle
Lanning	Shofner
Latham	Spears
Lemens	Steward
Leonard	Stinson
Lindsey	Tarwater
Lotief	Thornton
Lucas	Tillery
Luker	Walker
McCalla	Westfall
McConnell	Worley
McFarland	Young
McKee	Youngblood

Nays—23

Aikin	Harris of Archer
Alexander	Hunt
Atchison	Mauritz
Beck	Roberts
Bergman	Russell
Broyles	Stovall
Burton	Tennyson
Colquitt	Waggoner
Crossley	Wells
Daniel	Wood of Harrison
Farmer	Wood of Montague
Hardin	

Present—Not Voting

Venable

Absent

Bradbury	Jones of Falls
Butler of Brazos	Lange
Butler of Karnes	Leath
Caldwell	Moffett
Davis	Morris
Davisson	Palmer
of Eastland	Petsch
Dickison	Quinn
Dunagan	Riddle
Duvall	Roane
Fitzwater	Rutta
Ford	Scarborough
Good	Smith
Herzik	

Absent—Excused

Canon	Reed of Bowie
Hyder	Stanfield
Jefferson	

Paired

Mr. Venable (present), who would vote "nay," with Mr. Bradbury (absent), who would vote "yea."

The Speaker then laid House Bill No. 77 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL ON FIRST READING

Mr. England moved to introduce, at this time, and have placed on first reading, House Bill No. 977.

The motion prevailed by the following vote:

Yeas—114

Adamson	Holland
Adkins	Hoskins
Aikin	Howard
Alsup	Huddleston
Ash	Hunt
Atchison	Hunter
Beck	Jackson
Bourne	James
Bradford	Jones of Atascosa
Broyles	Jones of Runnels
Burton	Jones of Shelby
Butler of Karnes	Jones of Wise
Cagle	Keefe
Calvert	King
Celaya	Lange
Clayton	Lanning
Collins	Latham
Colson	Leath
Cooper	Lemens
Craddock	Leonard
Crossley	Lotief
Daniel	Luker
Dickison	Mauritz
Dunlap of Hays	McCalla
England	McConnell
Fain	McFarland
Farmer	McKee
Fisher	McKinney
Fitzwater	Moffett
Fox	Moore
Frazer	Morris
Fuchs	Morrison
Gibson	Newton
Glass	Nicholson
Graves	Olsen
Gray	Padgett
Greathouse	Payne
Hankamer	Petsch
Hanna	Pope
Hardin	Reader
Harris of Archer	Reed of Dallas
Harris of Dallas	Roach of Angelina
Hartzog	Roach of Hunt
Head	Roark
Hill	Roberts
Hodges	Rogers
Hofheinz	Russell

Scarborough
Settle
Shofner
Spears
Steward
Stinson
Stovall
Tarwater
Tennyson
Thornton

Venable
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Absent

Alexander	Good
Bergman	Herzik
Bradbury	Jones of Falls
Butler of Brazos	Knetsch
Caldwell	Lindsey
Colquitt	Lucas
Cowley	Morse
Davis	Palmer
Davison of Fisher	Patterson
Davisson	Quinn
of Eastland	Riddle
Dunagan	Roane
Dunlap of Kleberg	Rutta
Duvall	Smith
Dwyer	Tillery
Ford	

Absent—Excused

Canon	Reed of Bowie
Hyder	Stanfield
Jefferson	

The Speaker then laid the bill before the House; it was read first time, and referred to appropriate committee as follows:

By Mr. England, Mr. Wells, Mr. Stovall, Mr. Lucas, Mr. Head, Mr. Davisson of Eastland, Mr. Payne, Mr. Jones of Wise, Mr. Duvall, Mr. Calvert, Mr. Burton, Mr. Adamson, Mr. Cooper, Mr. Morris, Mr. Spears, Mr. Hardin, Mr. Venable, Mr. Dunagan, Mr. Latham, Mr. Steward, Mr. Harris of Dallas, Mr. Bourne, Mr. Scarborough, Mr. Mauritz, Mr. Morrison, and Mr. Lanning:

H. B. No. 977, A bill to be entitled "An Act to amend Article 8197-b, Chapter 8, Title 128, of the Revised Civil Statutes of the State of Texas, as amended by Act of the Forty-first Legislature, Fourth Called Session, page 71, Chapter 34, relating to the issuance of refunding bonds by any district that may have availed itself of the provisions of Article 8195 and become a conservation and reclamation district, and repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 19, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 408, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than fifteen thousand nine hundred and seventy-five (15,975) nor more than sixteen thousand and twenty-five (16,025) inhabitants, according to the last preceding United States Census, and providing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in said counties shall exceed the sum of four million one hundred thousand dollars (\$4,100,000) for the next preceding year; providing that all laws or parts of laws in conflict with this Act are hereby expressly repealed, and declaring an emergency." (With amendments.)

S. B. No. 491, A bill to be entitled "An Act changing the time of holding the District Court in the Forty-ninth Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in counties composing said district, together with jurors heretofore selected, are valid and returnable to the first terms of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect, to the end of their terms; repealing all conflicting laws; fixing the effective date of this Act, and declaring an emergency."

The Senate has appointed, by authority of House Concurrent Resolution No. 50, the following committee: Senators Redditt, DeBerry, Pace, Collier, and Martin.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 408 WITH SENATE AMENDMENTS

Mr. Russell called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 408, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than fifteen thousand nine hundred and seventy-five (15,975) nor more than sixteen thousand and twenty-five (16,025) inhabitants, according to the last preceding United States Census, and providing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in said counties shall exceed the sum of four million one hundred thousand dollars (\$4,100,000) for the next preceding year; providing that all laws or parts of laws in conflict with this Act are hereby expressly repealed, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Russell moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on House Bill No. 408: Messrs. Leath, Russell, Butler of Karnes, Gibson, and James.

RELATIVE TO SENATE JOINT RESOLUTION NO. 9

Mr. Moffett called up the motion to reconsider the vote by which Senate Joint Resolution No. 9 was ordered printed on a minority report, which motion to reconsider was heretofore spread on the Journal.

Mr. Moffett moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54

Adamson
Adkins

Beck
Broyles

Burton	Jones of Wise
Cagle	Lanning
Calvert	Leath
Craddock	Lindsey
Daniel	Lotief
Davison of Fisher	Lucas
Dickison	McCalla
Dwyer	McFarland
England	Moffett
Fain	Morris
Farmer	Petsch
Fox	Roach of Hunt
Gibson	Roark
Glass	Rogers
Graves	Settle
Greathouse	Shofner
Hardin	Spears
Harris of Archer	Tarwater
Head	Tennyson
Hodges	Waggoner
Holland	Westfall
Huddleston	Wood of Harrison
Hunt	Wood of Montague
Jones of Runnels	Worley
Jones of Shelby	Youngblood

Nays—60

Aikin	Howard
Alsup	Hunter
Ash	Jackson
Atchison	James
Bergman	King
Bradford	Knetsch
Butler of Karnes	Lemens
Caldwell	Leonard
Celaya	McConnell
Clayton	McKee
Collins	Moore
Colquitt	Morse
Colson	Newton
Crossley	Nicholson
Davis	Olsen
Dunlap of Hays	Pope
Dunlap of Kleberg	Reader
Duvall	Reed of Dallas
Fisher	Roach of Angelina
Fitzwater	Roberts
Frazer	Russell
Fuchs	Scarborough
Gray	Steward
Hankamer	Stinson
Hanna	Stovall
Harris of Dallas	Thornton
Hartzog	Venable
Hill	Walker
Hofheinz	Wells
Hoskins	Young

Absent

Alexander	Davison
Bourne	of Eastland
Bradbury	Dunagan
Butler of Brazos	Ford
Cooper	Good
Cowley	Herzik

Jones of Atascosa	Palmer
Jones of Falls	Patterson
Keefe	Payne
Lange	Quinn
Latham	Riddle
Luker	Roane
Mauritz	Rutta
McKinney	Smith
Morrison	Tillery
Padgett	

Absent—Excused

Canon	Reed of Bowie
Hyder	Stanfield
Jefferson	

Question then recurring on the motion to reconsider, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—61

Alsup	Jackson
Ash	James
Atchison	King
Bergman	Knetsch
Bradford	Lange
Butler of Karnes	Leath
Caldwell	Lemens
Celaya	Leonard
Clayton	Lindsey
Collins	McConnell
Colquitt	McKee
Cooper	Moore
Crossley	Morse
Davis	Newton
Dunlap of Hays	Nicholson
Dunlap of Kleberg	Olsen
Duvall	Pope
England	Reader
Fisher	Reed of Dallas
Frazer	Roach of Angelina
Good	Roberts
Gray	Russell
Hankamer	Scarborough
Hanna	Steward
Harris of Dallas	Stinson
Hill	Stovall
Hofheinz	Thornton
Holland	Venable
Hoskins	Wells
Howard	Young
Hunter	

Nays—54

Adamson	Davison of Fisher
Adkins	Dickison
Aikin	Dwyer
Beck	Fain
Broyles	Farmer
Burton	Fitzwater
Cagle	Fox
Calvert	Fuchs
Craddock	Gibson
Daniel	Glass

Graves	Moffett
Greathouse	Morris
Hardin	Petsch
Harris of Archer	Roach of Hunt
Hartzog	Roark
Head	Settle
Hodges	Shofner
Huddleston	Spears
Hunt	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Waggoner
Lanning	Walker
Lotief	Westfall
Lucas	Wood of Harrison
Mauritz	Wood of Montague
McCalla	Worley
McFarland	Youngblood

Absent

Alexander	Latham
Bourne	Luker
Bradbury	McKinney
Butler of Brazos	Morrison
Colson	Padgett
Cowley	Palmer
Davisson	Patterson
of Eastland	Payne
Dunagan	Quinn
Ford	Riddle
Herzik	Roane
Jones of Atascosa	Rogers
Jones of Falls	Rutta
Jones of Runnels	Smith
Keefe	Tillery

Absent—Excused

Canon	Reed of Bowie
Hyder	Stanfield
Jefferson	

Question—Shall Senate Joint Resolution No. 9 be printed on minority report?

Mr. Moffett withdrew the motion to print Senate Joint Resolution No. 9 on a minority report.

HOUSE BILL NO. 755 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 755, A bill to be entitled "An Act defining certain words, terms, phrases; imposing an occupation or excise tax on first sale of cigarettes, according to weight, with certain exception; providing payment of tax shall be evidenced by stamps affixed to each individual package, said stamps to be purchased in unbroken sheets of one hundred (100) stamps only from Treasurer only except through requisition from Comptroller;

provided stamps may be purchased and affixed to packages of cigarettes by manufacturer thereof outside the State exempting same from further taxation, etc., and declaring an emergency."

The bill having been read second time on yesterday, with amendment by Mr. Petsch, pending.

Mr. Scarborough moved that the House adjourn until 9:30 o'clock a. m., next Monday.

The motion was lost.

Question recurring on the amendment by Mr. Petsch, it was adopted.

Mr. Petsch offered the following amendments to the bill:

Amend House Bill No. 755, Section 4, line 1, page 16, by inserting immediately after the words "retail dealer" the words, "but may be renewed upon like application and upon payment of another fee in the amount prescribed for the kind of permit desired." Line 7, page 16, by inserting between the word "permit" and the word "authorizing" the words, "designating the kind of permit and".

Amend House Bill No. 755, Section 5, line 18, page 17, by inserting the words "in Austin, Travis County, Texas," between the words "Texas" and "and".

Amend House Bill No. 755, Section 8, line 15, page 21, by inserting the words "contract or statutory, legal or equitable, and regardless of the time such liens originated" between the words "lien" and "upon".

Amend House Bill No. 755, Section 8, line 32, page 21, by inserting the words "in a special fund" between the words "placed" and "in".

Amend House Bill No. 755, Section 9 (b), line 31, page 22, by inserting a "comma" after the word "tax".

Amend House Bill No. 755, Section 15 (a), line 19, page 24, by inserting between the words "cigarettes" and "received" the words "previously sold in interstate commerce and".

Amend House Bill No. 755, Section 15, line 30, page 24, by striking out the word "in" and inserting in lieu thereof the word "an".

Amend House Bill No. 755, Section 15 (d), line 34, page 25, by inserting between the words "delivery" and "contains" the words, "or if the bill of lading prepared for such delivery". Line 36, page 25, by inserting between

the words "invoices" and "to" the words "or bills of lading".

The amendments were severally adopted.

Mr. McCalla offered the following amendment to the bill:

Amend House Bill No. 755, page 26, by inserting therein immediately following Section 16, a new section, to be known as "Section 16-a" which shall read as follows:

"Section 16-a. All information derived or obtained by the Attorney General or the Comptroller from any such inspection of the books and records as is authorized in this Act, and all information secured, derived or obtained by the Attorney General or the Comptroller from any record, report, instrument, or copy thereof, required to be furnished under the terms of this Act, shall be, and shall remain confidential; and no record, report, or information secured, derived or obtained by the Attorney General or the Comptroller under the terms of this Act shall be open to public inspection, and all such information, records, reports, instruments and copies thereof shall be used by the Attorney General and the Comptroller solely for the purpose of enforcing the provisions of this Act.

"Any employe of the Attorney General or of the Comptroller who (a) gives to any person, firm or corporation, any information secured, derived or obtained from the inspection or examination of books or records authorized under the terms of this Act or from the records, reports, instruments and/or copies thereof, required to be furnished under the terms of this Act, or (b) permits the inspection by any person, firm or corporation, of any of the reports, records, instruments, or copies thereof required to be furnished under the terms of this Act, or (c) gives a copy or copies of any such records, reports, instruments, or copy thereof required to be furnished under the terms of this Act to any person, firm or corporation, or (d) gives any information to any person, firm or corporation concerning the records of all or any parts of the reports, records, instruments, or copies thereof required to be furnished under the provisions of this Act, shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for not more than six (6) months, or by a fine of not less than one hundred dollars

(\$100) nor more than five hundred dollars (\$500), or by both such fine and imprisonment; provided, however, that it shall not be an offense under the terms of this Act for any employe of the Attorney General or of the Comptroller to furnish any such information as is hereinabove described to any other employe of the Attorney General or of the Comptroller where such information is furnished or given for use in the enforcement of this Act."

The amendment was adopted.

Mr. Petsch offered the following amendments to the bill:

Amend House Bill No. 755, Section 20, so as to read thereafter as follows:

"Section 20. All cigarettes on which taxes are imposed by this Act, which shall be found in the possession or custody or within the control of any person, for the purpose of being sold or removed by him in fraud of the Cigarette Tax Law, and all cigarettes which are removed or are deposited or concealed in any place with intent to avoid payment of taxes levied thereon, and any automobile, truck, boat, conveyance, or other vehicle whatsoever, used in the removal or transportation of such cigarettes for such purposes, and all equipment, paraphernalia or other tangible personal property incident to and used for such purpose, found in the place, building, or vehicle where such cigarettes are found, may be seized by the Comptroller, with or without process, and the same shall be from the time of such seizure forfeited to the State of Texas, and a proceeding in the nature of a proceeding in rem shall be filed in a court of competent jurisdiction in the county of seizure to maintain such seizure and declare and perfect said forfeiture as hereinafter provided. All such cigarettes, vehicles, and property so seized as aforesaid, remaining in the possession or custody of the Comptroller, sheriff, or other officer for forfeiture or other disposition as provided by law, shall be deemed to be in the custody of law and irrepleviable.

"The Comptroller, when making the seizure aforesaid, shall immediately make a written report thereof showing the name of the agent or representative making the seizure, the place and person where and from

whom such property was seized and an inventory of same and appraisal thereof at the usual and ordinary retail price of the article seized, which report shall be prepared in duplicate, signed by the agent or representative so seizing, the original of which shall be given to the person from whom said property is taken, and a duplicate copy of which shall be filed in the office of the Comptroller and shall be open to public inspection.

"The Comptroller, in the event he does not elect to pursue the summary procedure hereinafter provided, shall forthwith deliver the property so seized to the sheriff of the county of seizure, taking his receipt therefor in duplicate, and such sheriff shall hold and retain the property subject to the final order of the court.

"The Attorney General, or the district or county attorney of the county of seizure, shall, at the request of the Comptroller, file in the county and court aforesaid forfeiture proceeding in the name of the State of Texas as plaintiff, and in the name of the owner or person in possession as defendant, if known, and if unknown, then in the name of said property seized and sought to be forfeited. Upon the filing of said proceeding, the clerk of said court shall issue notice to the owner or person in possession of such property to appear before such court upon the date named therein, which shall not be less than two days from service of such notice, to show cause why the forfeiture aforesaid should not be declared, which notice shall be served by the sheriff of said county. In the event the defendant in said proceeding is a non-resident of the State or his residence is unknown, or in the event the name of such defendant is unknown, upon affidavit by the Comptroller to this effect, notice or process shall be served or published in the mode and manner provided by existing statutes for service of citation upon non-residents or unknown defendants; provided, however, such proceeding may be heard at any time after ten days from service of such process or the first publication of such notice. And in such cases, the court shall appoint an attorney to represent such defendant, who shall have the rights, duties, and compensation as provided by existing statutes in cases of attorneys appointed to represent

non-residents and unknown defendants.

"In the event final judgment is rendered in the forfeiture proceeding aforesaid, maintaining the seizure, and declaring and perfecting the forfeiture of said seized property, the court shall order and decree the sale thereof to the highest bidder by the sheriff at public auction in the county of seizure, after ten days' notice by advertisement at least twice in any legal publication of such county, and the proceeds of such sale, less expenses of seizure and court costs, shall be paid into the State Treasury and shall be allocated as the cigarette tax is herein allocated. In the event the district or county attorneys file and prosecute such cases, a fee of \$15 shall be paid to such officers in addition to all other fees allowed by law under the Maximum Fee Bill, which fee shall be collected as court costs out of the proceeds of such sale.

"In lieu of the forfeiture proceeding aforesaid, the Comptroller may elect to sell the cigarettes and property seized by him in cases where such property appears by the report or receipt of the office of seizing same to be of the appraised value of \$500, or less, by the following summary proceedings:

"1st. The Comptroller shall publish a notice for ten days in some newspaper of the county where the seizure was made, describing the property seized and stating the time, place and cause of their seizure, and requiring any person claiming such property, or any interest therein or thereto, to appear and make such claim within fifteen days from the date of such publication of such notice.

"2nd. Any person claiming such property so seized, or any interest therein or thereto, within the time specified in such notice, may file with the said Comptroller his claim, stating his interest in the property seized, and may execute a bond to the State of Texas in the penal sum of \$250, with sureties to be approved by said Comptroller, conditioned that, in case of the establishment of forfeiture of the articles so seized, the obligors shall pay all the costs and expenses of the proceeding to obtain such forfeiture; and upon the delivery of such bond to the Comptroller, he shall transmit the same with a certified

copy of the report or receipt of the property seized, filed in his office, to the Attorney General or the county or district attorney of the county of seizure, and forfeiture proceeding shall be instituted and prosecuted thereon in the court of competent jurisdiction as provided by law.

"3rd. If no claim is interposed and no bond is given within the time above specified, the Comptroller shall give the ten days' notice of a sale of the property under seizure by publication in a newspaper of the county of seizure, and, at the time and place specified in such notice, shall sell the property so seized at public auction, and, after deducting expense of seizure, appraisement, custody and sale, he shall deposit the proceeds thereof in the State Treasury, which shall be allocated to the funds to which the cigarette tax levied hereunder is apportioned.

"In the event the cigarettes seized hereunder and sought to be sold upon forfeiture, summary sale or other process provided by law shall be unstamped, the officers selling the same shall, upon sale thereof, affix or cause to be affixed, the stamps so required and deduct the expense thereof from the proceeds of such sale."

Amend House Bill No. 755, Section 21, by striking out the entire section and inserting in lieu thereof a new section, which shall also be known as Section 21, and which shall read as follows:

"Section 21. The seizure, forfeiture and sale of cigarettes and other property under the terms and conditions hereinabove set out, and whether with or without court action, shall not be or constitute any defense or exemption to the person owning or having control or possession of such property from criminal prosecution for any act or omission made or offense under this law or from liability to pay penalties provided by this law, with or without suit therefor."

Amend House Bill No. 755, Section 22, line 16, page 30, by inserting between the words "invoices" and "the" the words "or other investigation". Line 21, page 30, by striking out the words "the dealer" and inserting in lieu thereof the words "or other investigation, such person".

Amend House Bill No. 755, Section 26, line 16, page 32, by inserting the word "of" between the words "sale" and "any".

Amend House Bill No. 755, page 33, Section 26, by adding an additional sentence to the end of said section, reading as follows:

"Provided, that if any penalties prescribed by Section 25 of this Act overlap as to offenses which are also punishable under Section 26 of this Act, then the penalties prescribed by this section shall apply, and control all other penalties."

Amend House Bill No. 755, Section 1 (n), so as to read hereafter as follows:

"Section 1 (n). 'Wholesale Dealer' shall mean and include every 'person' other than a distributor or a salesman in the employ of a manufacturer and handling only the products of his employer who engages in the business of selling or distributing cigarettes in this State for the purpose of resale."

The amendments were severally adopted.

Mr. Luker offered the following amendment to the bill:

Amend House Bill No. 755, Section 2, page 10, line 29, by striking out the first sentence and inserting in lieu thereof the following sentence:

"A tax of one dollar and fifty cents (\$1.50) per thousand on cigarettes weighing not more than three (3) pounds per thousand and three dollars and sixty cents (\$3.60) per thousand on those weighing more than three (3) pounds per thousand is hereby imposed on all cigarettes used or otherwise disposed of in this State for any purpose whatsoever."

The amendment was adopted.

Mr. Petsch offered the following amendment to the bill:

Amend House Bill No. 755, Section 31, so as to read hereafter as follows:

"Section 31. That five per cent (5%) of the gross amount of taxes, permit and license fees and other funds derived under the provisions of this Act shall be set aside in a special fund subject to the use of the Comptroller and so much of said fund as may be necessary shall be expended in the manufacturing or printing of the cigarette tax stamps and for the payment of any expense incurred by the Board incident thereto and in the administration and enforcement of the provisions of this Act and so much of the said proceeds of five per cent (5%) of said tax and funds shall be,

and the same is hereby, appropriated for said purpose, same to be paid monthly as needed; provided, however, that in the event there should not be a sufficient sum available in the said appropriated special fund to pay for the manufacturing or printing of said stamps, such payment shall be made from revenue derived from the cigarette tax before such fund is allocated under the provisions of this Act; provided, however, that any sum expended from such revenues shall be withheld from subsequent prorations of the five per cent (5%) appropriated in this Act; any unexpended portion of said fund so specified shall, at the end of each bien-nium, be paid in the proper proportion to the funds to which the cigarette tax fund shall be proportioned.

"Providing that the director of the Cigarette Tax Division shall, in addition to the duties of supervising and directing the administration and enforcement of the provisions of this Act, personally supervise the printing or manufacturing of all cigarette tax stamps and he shall have possession and custody of, and be responsible for, all specification plans, photographs, impressions, drawings, electro plates, printing stones and any and all other property or equipment that may provide a means of reproducing, manufacturing or printing of cigarette tax stamps in the design selected by the Cigarette Tax Stamp Board. The said director shall also be charged with the responsibility of inspecting the stamps after such stamps have been manufactured or printed and all sheets of stamps that do not meet the specifications required in the contract shall be rejected and destroyed by or under the direct personal supervision of said director; and the director shall have control of said stamps and be responsible therefor until delivery is made to the Treasurer.

"The Board shall fix the salary of the director of the Cigarette Tax Division which shall not be less than four hundred dollars (\$400) per month; provided further, that the salaries of the assistant director, auditors, accountants, investigators, tax supervisors, and other employes shall be at the prevailing rate paid for the service performed by the same class of employes in the Motor Fuel Division of the Comptroller's Department."

Mr. Knetsch offered the following amendment to the amendment by Mr. Petsch:

Amend Petsch amendment to House Bill No. 755 by striking out the last paragraph in said amendment and insert in lieu thereof the following:

"The salary of the directors of the Cigarette Tax Division shall be three hundred twenty-five dollars (\$325) per month; provided further, that the salaries of the assistant director, auditors, accountants, investigators, tax supervisors and other employes shall be at the prevailing rate paid for the service performed by the same class of employes in the Motor Fuel Division of the Comptroller's Department."

Mr. Aikin offered the following substitute for the amendment by Mr. Knetsch:

Substitute for amendment by Mr. Knetsch to House Bill No. 755 by striking out the last paragraph of said amendment and insert in lieu thereof the following:

"The number of employes and the salary of each employe shall be as fixed in the Departmental Appropriation Bill."

AIKIN,
LEONARD.

Question—Shall the substitute amendment by Mr. Aikin be adopted?

(Mr. Beck in the Chair.)

Mr. Jones of Atascosa moved that the call of the House be extended until 5 o'clock p. m., today.

Question recurring on the motion by Mr. Jones of Atascosa, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—69

Aikin	Fuchs
Alexander	Good
Atchison	Harris of Archer
Bradford	Hodges
Broyles	Hofheinz
Craddock	Holland
Crossley	Howard
Davison of Fisher	Huddleston
Dickison	Hunt
Fain	Jackson
Fisher	Jones of Atascosa
Fitzwater	Jones of Runnels
Fox	Jones of Shelby
Frazer	Jones of Wise

King	Reader
Knetsch	Reed of Dallas
Lanning	Roark
Leath	Roberts
Lemens	Rogers
Lotief	Rutta
Lucas	Shofner
Luker	Steward
Mauritz	Stovall
McCalla	Tarwater
McConnell	Tennyson
McFarland	Thornton
McKee	Venable
McKinney	Walker
Moffett	Wells
Moore	Westfall
Morrison	Wood of Harrison
Newton	Wood of Montague
Nicholson	Worley
Payne	Youngblood
Pope	

Nays—44

Adamson	Hanna
Adkins	Hardin
Ash	Head
Bergman	Hoskins
Burton	Hunter
Cagle	James
Caldwell	Keefe
Calvert	Lange
Collins	Leonard
Colquitt	Lindsey
Colson	Olsen
Cooper	Padgett
Cowley	Palmer
Duvall	Patterson
Dwyer	Roach of Angelina
Farmer	Roach of Hunt
Ford	Russell
Glass	Scarborough
Graves	Spears
Gray	Tillery
Greathouse	Waggoner
Hankamer	Young

Present—Not Voting

England	Beck
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Absent

Alsop	Harris of Dallas
Bourne	Hartzog
Bradbury	Herzik
Butler of Brazos	Hill
Butler of Karnes	Jones of Falls
Celaya	Latham
Clayton	Morris
Daniel	Morse
Davis	Petsch
Davisson	Quinn
of Eastland	Riddle
Dunagan	Roane
Dunlap of Hays	Settle
Dunlap of Kleberg	Smith
Gibson	Stinson

Absent—Excused

Canon	Reed of Bowie
Hyder	Stanfield
Jefferson	

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 491, to the Committee on Judicial Districts.

ADJOURNMENT

Mr. Scarborough moved that the House adjourn until 9:30 o'clock a. m., next Monday.

The motion prevailed, and the House, accordingly, at 4:10 o'clock p. m., adjourned until 9:30 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Agriculture: House Bill No. 947.

Conservation and Reclamation: Senate Bill No. 476.

Constitutional Amendments: Senate Joint Resolution No. 22, and House Joint Resolution No. 48.

Judicial Districts: House Bills Nos. 437, 975, and 976.

Revenue and Taxation: House Bill No. 956.

The following committees have filed adverse reports on bill and resolution, as follows:

Constitutional Amendments: Senate Joint Resolution No. 9 with a minority favorable.

Judicial Districts: House Bill No. 259.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 736, A bill to be entitled "An Act repealing Section 7, Section

14, and Section 29 of House Bill No. 122, Chapter 116, General Laws of the Forty-third Legislature, Regular Session, and inserting new sections known as Section 7, Section 14, and Section 29 therein; amending Section 3, Section 4, Section 5, Section 6, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 18, Section 25, Section 26, and Section 28 of said Act; providing the creation of a Beer Tax Fund and that refunds and stamp redemptions be made from such fund before allocation; providing for issuance of refund warrants with limitation; providing an appropriation for the payment of refunds and stamp redemptions, if such be necessary, etc.,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 304, "An Act relating to marks and brands of live stock in Fort Bend County only, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not, and that after the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in Fort Bend County shall no longer have any force or effect, and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the county clerk shall publish this Act in some newspaper in general circulation in said county for a period of thirty (30) days, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 589, "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed fifteen thousand (15,000), according to the last United States Census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock, or other association, amounting to at least fifty (50) per cent of all the claims against such debtor and where the commissioners court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county; to validate all conveyances, transfers and assignments to any such county of real and personal property so purchased; to validate the liquidation of such assets by the commissioners court of any such county, heretofore done; to validate all sales, conveyances, transfers and assignments of real and personal property, oil, gas and mineral leases, and other transfers, conveyances and assignments made by any such county to any and all purchasers in connection therewith, whether such sales were made at public or private sale, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 697, "An Act authorizing B. H. Willis of Jefferson County, Texas, to institute and maintain a suit against the State of Texas, in the District Court of Liberty County, Texas, and in said suit to recover the value of lands owned by him and appropriated by the State of Texas as a right of way for State Highway No. 3, commonly known as 'The Old Spanish

Trail,' through Liberty County, Texas, through the following surveys of land situated in said county, to wit: I. & G. N. Survey No. 2, the Robert Burrell Survey, the Martin Flores Survey, the William Delaney Survey, the H. & T. V. Railway Survey No. 3, and the Thomas Devers Survey; and to recover in said suit the damages, if any, to the lands adjacent to said highway owned by B. H. Willis caused by the construction of bar-pits and caused by the obstruction to drainage, if any, caused by the construction of said highway on the grade thrown up therefor; providing that limitation shall not begin to run on any cause of action involved in said suit until this Act becomes effective; prescribing the method of serving process on the State of Texas in said suit; prescribing regulations relating to said suit, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 39, Proposing an amendment to Section 15 of Article I of the Constitution of Texas,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 79, Granting Dr. C. R. Miller permission to sue the State of Texas and/or the State Highway Department of Texas,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 77, Authorizing trans-

fers of appropriations for Live Stock Sanitary Commission,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 257, "An Act declaring the policy of the Legislature to provide for the general welfare with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for the submission of code or codes to the milk control board by groups engaged in the milk industry in counties having a population in excess of seventy-seven thousand and seven hundred (77,700) and less than eighty thousand and seven hundred (80,700), according to the Federal Census last preceding the time when said submission is made from said counties for the setting up of a code, codes, or agreements; authorizing local milk industry boards in said counties after hearing to set up and promulgate a code, codes, or agreements for fair competition for the milk industry; authorizing said board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification, or change of codes set up under this Act; providing for the publication by said board of codes; authorizing the said board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for the certificates of authority and making provisions for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional such decision shall not affect other provisions or portions of this Act, provided that the provisions of this Act shall not alter, repeal, change, modify or in any way change

the provisions of the Anti-trust Laws of the State of Texas as defined in Articles 1632 to 1635, inclusive, nor of the Texas Penal Code, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 39, Designating March 4 as Roosevelt Day,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room.

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 51, Granting H. B. McElmurray and Mrs. H. B. McElmurray permission to bring suit against the State of Texas,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 883, "An Act amending Article 965, Revised Civil Statutes of Texas, 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room.

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 61, Relative to tax on sale of cigarettes,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 70, Granting T. G. Allen of Navarro County permission to sue the State Highway Department,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 78, Requesting the chairman of the Civilian Conservation Corps to place CCC Camps along the Trinity River,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 93, Inviting the Hon. Martin Dies to address a Joint Session of the House and Senate April 23, 1935,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 750, "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision excepting farm products when offered for sale by the producer, from the operation of the article, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room.

Austin, Texas, April 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 92, Instructing the Enrolling Clerk of the House to correct a typographical error in House Bill No. 521,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

FIFTY-FOURTH DAY

(Monday, April 22, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	England
Adamson	Fain
Adkins	Farmer
Aikin	Fisher
Alexander	Ford
Alsup	Fox
Ash	Frazer
Atchison	Fuchs
Beck	Gibson
Bergman	Glass
Bourne	Good
Bradbury	Graves
Bradford	Gray
Broyles	Greathouse
Burton	Hankamer
Butler of Brazos	Hanna
Butler of Karnes	Hardin
Cagle	Harris of Archer
Caldwell	Harris of Dallas
Calvert	Head
Canon	Herzik
Celaya	Hill
Clayton	Hodges
Collins	Hofheinz
Colquitt	Holland
Colson	Hoskins
Cooper	Howard
Cowley	Huddleston
Craddock	Hunt
Crossley	Hunter
Daniel	Hyder
Davis	Jackson
Davison of Fisher	James
Davisson	Jefferson
of Eastland	Jones of Atascosa
Dickison	Jones of Falls
Dunlap of Hays	Jones of Runnels
Dunlap of Kleberg	Jones of Shelby
Duvall	Jones of Wise
Dwyer	Keefe

King	Reader
Knetsch	Reed of Bowie
Lange	Reed of Dallas
Lanning	Riddle
Latham	Roach of Hunt
Lemens	Roark
Leonard	Roberts
Lindsey	Rogers
Lotief	Russell
Lucas	Rutta
Luker	Scarborough
Mauritz	Settle
McCalla	Smith
McConnell	Spears
McFarland	Stanfield
McKee	Steward
McKinney	Stinson
Moffett	Stovall
Moore	Tarwater
Morris	Tennyson
Morrison	Thornton
Morse	Tillery
Newton	Venable
Nicholson	Waggoner
Olsen	Walker
Padgett	Wells
Palmer	Westfall
Patterson	Wood of Harrison
Payne	Wood of Montague
Petsch	Worley
Pope	Young
Quinn	Youngblood

Absent

Dunagan	Leath
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Absent—Excused

Fitzwater	Roane
Hartzog	Shofner
Roach of Angelina	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Lord, with gratitude to Thee we undertake our tasks again this morning. May we not forget Thee, for 'except the Lord build the house, they labor in vain that build it.' Grant to lead us along right lines and to permanently good results. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Roach of Angelina for today, on motion of Mr. Stinson.

Mr. Hartzog for today, on motion of Mr. Harris of Dallas.

Mr. Shofner for today, on motion of Mr. Broyles.